SINGLE BENCH

(1) 4

P.R. No. 6273/05
Presented by Pritam Thakur
dated 7/12/05

IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

W. P. No. 963 /2006

PETITIONER : Gaitram Gond (Taram)
S/o- Sundarlal Gond
Aged about 38 years R/o- Ghoghir Post- Chhuriya Distt- Rajnandgaon (C.G.)

VERSUS

RESPONDENTS :
1) State of Chhattisgarh Thrrough:- Secretary Panchayat Department D.K.S. Bhawan Raipur (C.G.)

2) The Collector, Rajnandgaon Distt- Rajnandgaon (C.G.)

3) Chief Executive Officer, Janpad Panchayat Chhuriya Distt- Rajnandgaon (C.G.)

WRIT PETITION UNDER ARTICLE 226/ 227 OF THE CONSTITUTION OF INDIA.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No. 6273/05 W.P. 963/06 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	10-2-2006 Shri Anoop Mazumdar, counsel for the petitioner. Shri S.P. Kale, Govt. Advocate for the State/ respondents No.1 and 2. Shri Sandeep Dubey, counsel for respondent No.3. Heard. The petitioner has filed this petition against the resolution dated 22-10-2005 passed by the General Administration Committee, Janpad Panchayat,Chhuriya. Learned counsel for the petitioner submits that the petitioner was appointed in April, 1998 as driver of the vehicle. He further submits that the vehicle was sold in auction and the services of the driver were not required. It is submitted that at that time Farrash post was vacant and the petitioner was allowed to continue on the said post. Learned counsel submits that pursuant to the order passed by the Labour Court with regard to reinstatement of one Tularam Nishad, resolution was passed and the Chief Executive Officer issued notice to the petitioner. It is stated that the notice is issued without complying with the provisions of General Conditions of Service Rules, 1999 and the services of the petitioner are being terminated. Learned counsel also submits that the Chief Executive Officer has not given any opportunity to the petitioner. Shri Mazumdar submits that there are two posts of Farrash and one post is presently lying vacant. Return has been filed by the respondent No.3.	

(पीछे देखिये

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक WP(PR) 6273/05 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Learned Counsel for the respondent submits that the petitioner is not the permanent employee and the provisions of the General Conditions of Service Rules, 1999 do not apply in the present case.

It is pointed out that the petitioner has raised the dispute before the Labour officer, Rajnandgaon on 18-11-2005 challenging his removal order and notice was also issued to the respondent No.3 and the said dispute is pending before the Labour Court. The petitioner has filed the Annexure-P/4 the set up of posts of Janpad Panchayat whereas the respondent no.3 has also submitted the reply contending that the rules are not applicable in the present case.

These are the disputed questions, which can be gone into by the Labour Court.

Having considered the facts and circumstances of the case, material on record and in view of the fact the matter is pending consideration before the Labour Court and notices were issued, Under the facts and circumstances and the submission made hereinabove, in the opinion of this Court, ends of justice will be served if a direction is given to the Labour Court to consider and decide the case of the petitioner on merits as early as possible preferably within a period of two months from the date of receipt/production of copy of this order. Till then as an interim measure, it is directed that the interim order passed by this Court vide order 9-12-2005 shall continue.

The petition is accordingly disposed of.

Certified copy as per rules.

Sd/-
Fakhruddin
Judge

P/-

24.2.06

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